



Docket No. HRT-0279

(7)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen W. Boyd et al.
Serial No. : 09/982,502 Art Unit : 3738
Filed : 10/18/2001 Examiner :
Title : Devices and Methods for Port-Access Multivessel Coronary Artery Bypass Surgery

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Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)

(Signature)

1/8/02

(Date of Signature)

Honorable Commissioner of Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Dear Sir:

This is a Preliminary Amendment for the Divisional Patent Application filed on October 18, 2001 which is a Divisional of prior pending application Serial No. 09/487,024 filed on January 19, 2000. The prior Preliminary Amendment filed on October 18, 2001 incorrectly identified the canceled claims.

In the Claims:

Please cancel, without prejudice, Claims 45-149.

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REMARKS/ARGUMENTS

This is a Preliminary Amendment for the above-identified Divisional Patent Application filed on October 18, 2001, which is a Division of commonly assigned, copending patent application Serial No. 09/487,024. Applicants have canceled without prejudice claims 45-149. Remaining claims 1-44 correspond to the Examiner's Group I contained in the Restriction Requirement in the parent application.

In the Restriction Requirement of the parent application, the Examiner required that, if Group I was chosen, Applicants should elect a species "between vacuum, loop and rigid finger". Applicants traverse the election of species. Claims 1-17 and 21-28 do not require either a vacuum, loop or rigid finger, and are therefore generic to all three species. Claims 18 and 29-44 claim a method that includes the step of applying vacuum. Claim 19 claims a method that includes the step of lifting the heart with a rigid finger and claim 20 claims a method of placing a flexible loop around the heart.

To comply with the requirements of 35 USC 121, Applicants elect the species readable on the vacuum limitation, which includes claims 1-18 and 21-44. In the event that a discussion would clarify this issue, the Examiner is invited to telephone Applicants' representative at his or her convenience.

Respectfully submitted,

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